

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Caitlin Schnur	Team: Team # 6	CCRB Case #: 201000926	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/20/2010 6:30 PM	Location of Incident: § 87(2)(b)	Precinct: 34	18 Mo. SOL 7/20/2011	EO SOL 7/20/2011	
Date/Time CV Reported Wed, 01/20/2010 7:13 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 01/20/2010 7:13 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Leiddy Monzon	28926	936052	034 PCT
2. SGT Neil Zuber	04696	931483	034 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Francisco Guzman	01295	931712	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Neil Zuber	Abuse: Sergeant Neil Zuber stopped Bernie § 87(2)(b)	§ 87(2)(b)
B.SGT Neil Zuber	Force: Sergeant Neil Zuber used a chokehold against Bernie § 87(2)(b)	§ 87(2)(b)
C.SGT Neil Zuber	Force: Sergeant Neil Zuber used physical force against Bernie § 87(2)(b)	§ 87(2)(b)
D.POF Leiddy Monzon	Abuse: Officer Leiddy Monzon threatened to arrest Bernie § 87(2)(b)	§ 87(2)(b)

### Case Summary

On January 20, 2010, § 87(2)(b) filed the following complaint with the CCRB by phone regarding an incident that occurred on the same day. § 87(2)(b) filed this complaint on behalf of § 87(2)(b) providing incomplete information in the CCRB intake statement. On January 22, 2010, § 87(2)(b) provided a complete intake statement over the phone. On February 23, 2010, § 87(2)(b) clarified to the CCRB that he was not a witness to this incident and heard about it through a friend who was a witness. § 87(2)(b) did not know the friend's name. The narrative below details § 87(2)(b)'s January 22, 2010 statement to the CCRB.

At approximately 6:30 p.m. on January 20, 2010 in the vicinity of § 87(2)(b) in Manhattan, § 87(2)(b) was stopped outside his building by an officer, identified by § 87(2)(b) as Sergeant Neil Zuber of the 34<sup>th</sup> Precinct, who asked if he lived in the apartment building and requested his identification (**Allegation A**). Officer Zuber provided his name to § 87(2)(b). § 87(2)(b) provided Sergeant Zuber with identification that did not indicate that he lived in the building. Sergeant Zuber then asked for the keys to § 87(2)(b)'s apartment, so that the sergeant could verify that § 87(2)(b) lived in that building. § 87(2)(b) gave his keys to Sergeant Zuber, who entered the building and went upstairs to § 87(2)(b)'s apartment. Sergeant Zuber knocked on § 87(2)(b)'s door, where he was met by § 87(2)(b)'s father. § 87(2)(b)'s father did not let Sergeant Zuber into the apartment. Sergeant Zuber told § 87(2)(b) to take his keys back, but held onto them tightly, as if to tease § 87(2)(b) as he tried to grab them. Sergeant Zuber grabbed § 87(2)(b)'s collar. When § 87(2)(b) tried to move back, Sergeant Zuber grabbed § 87(2)(b) with both hands around the neck, restricting § 87(2)(b)'s breathing for ten to fifteen seconds (**Allegation B**). Sergeant Zuber then hit § 87(2)(b) in the face and slammed him onto the ground (**Allegation C**). A second officer, identified by § 87(2)(b) as Officer Leiddy Monzon of the 34<sup>th</sup> Precinct, wrote § 87(2)(b) a summons for littering, stating, "If we don't find out what's going on, everybody's going to suffer" (**Allegation D**). § 87(2)(b) saw Officer Monzon write out the summons. He took her comment to mean that he would be arrested. A third officer, identified by § 87(2)(b) as Officer Franciso Guzman of the 34<sup>th</sup> Precinct, was present as a witness. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Between January 29, 2010 and February 23, 2010, a total of four phone calls were placed to § 87(2)(b). On the first two calls, there was no answer and a voicemail message was left asking § 87(2)(b) to contact the CCRB. On February 3, 2010, § 87(2)(b) contacted the CCRB and scheduled an in-person CCRB appointment for February 10, 2010 at 10:00 a.m. (at this time, § 87(2)(b) informed the undersigned investigator that his mailbox was "broken"). § 87(2)(b) missed this appointment and did not call to reschedule. On the third call, placed in an effort to reschedule § 87(2)(b) there was no answer and a voicemail message was left asking § 87(2)(b) to contact the CCRB. On the fourth call, placed in an effort to reschedule § 87(2)(b) and because § 87(2)(b)'s mailbox was broken, there was no answer and a voicemail message was left

asking § 87(2)(b) to contact the CCRB. § 87(2)(b) contacted the CCRB on February 23, 2010. At this time, § 87(2)(b) expressed that he did not wish to move forward with the complaint. § 87(2)(b) however, did not want to withdraw the complaint. § 87(2)(b) was told by the undersigned investigator that if he did not schedule an in-person CCRB appointment, his case would be closed as “victim uncooperative.” § 87(2)(b) expressed that this was not a problem.

In addition to contacting § 87(2)(b) by phone, on January 29, 2010 and February 10, 2010, a first call letter and a missed appointment letter, respectively, were mailed to § 87(2)(b)s home address. As of the date of this report, neither of these letters has been returned to the CCRB unopened.

§ 87(2)(g)

Team: \_\_\_\_\_

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Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date